

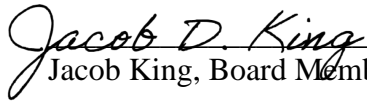
DECLARATION OF JACOB KING

1. I, Jacob King, pursuant to 28 U.S.C. §1746, declare the following testimony is true and correct based upon my own personal knowledge.
2. I am a Defendant in *John and Jane Doe No. 1, et al. v. Bethel Local School District Board of Education, et al.*, U.S. District Court, S.D. Ohio Case No. 3:22-cv-00337, named in my official capacity only.
3. I serve the Bethel Local Schools Board of Education as an elected school board member from October, 2022 to the present and then from January, 2017 to December, 2021. From January, 2017 to December, 2021 I serve in the capacity Board President.
4. The Board of Education adopts policies to uphold state and federal law and constitutions.
5. A certified, true and correct copy of select policies adopted by the Board of Education are filed on record in this action through Fiscal Officer Tina Hageman. Some of these policies are referenced in this Declaration by their bates numbers, “BOE 1-276.”
6. As an elected member of the Bethel Local Schools Board of Education, I swear or affirm through the administration of the oath of office to uphold state and federal law and constitutions consistent with Policy 142.1, BOE 4.
7. Ohio’s Open Meeting Act, O.R.C. 121.22 (“OMA”), is enforced through Board of Education Policies 164, 165.1, 165.2, 165.3, 166, 167, 167.1, 167.2, 168, 169.1, 169.2, BOE 6-20.
8. In compliance with these policies, I have never attended a “secret meeting” with a quorum of other Board Members. A quorum is three members, per Board of Education Policy 162, BOE 5.
9. Specifically, I have not attended a “secret meeting” from September 13, 2021 and January 10, 2022, as alleged in Plaintiffs’ Complaint in violation of the OMA or Board Policy, noting from January 1, 2022 to January 10, 2022 I am not a Board of Education member.
10. All my Board of Education meeting attendance is recorded from September 13, 2021 and January 10, 2022, in the official written and recorded Meeting Minutes, noting from January 1, 2022 to January 10, 2022 I am not a Board of Education member. All Board of Education meetings are noticed and open to the public consistent with the OMA, by the Fiscal Officer, as this is one of her assigned duties.
11. I have never deliberated or voted on a “new rule” regarding transgender use or prohibition of use of communal restrooms or any intimate facility between September 13, 2021 and January 10, 2022, noting from January 1, 2022 to January 10, 2022 I am not a Board of Education member.

12. The issue of transgender student use of communal restrooms is a hotly debated and divisive issue at board meetings and in the Bethel community starting in the fall of 2021. At the September 13, 2021 board meeting, I briefly comment on the issue in my official capacity as Board President in response to public comment made by Stormy Milewski. Sept. 13, 2021 Board of Education Meeting Tr. 5:12-25. With the benefit of hindsight, I realize my word selection when I briefly discuss transgender students' rights in reference to use of communal restrooms which align with their sexual identity can be perceived as confusing by the public. I state legal advice is being obtained on the issue, we will continue to consult with legal counsel to "provide the most appropriate answers," that I know very little about it at this time, and that "if we are changing," consistent application to all students regardless of grade will occur to avoid discrimination. *Id.* at 3:14-20. I also use the phrase in making these brief comments, "whatever we are going to change." *Id.* at 3:18.
13. Prior to that meeting one Bethel School District openly transgender student requests the administration accommodate a request to use the communal restrooms aligned with the student's sexual identity. It is this one student Stormy Milewski references in her public comment, making the point that she has knowledge of several transgender students attending the School District but only one student is openly transgender.
14. At this September 13, 2021 board meeting when I make my comments, administration has yet to act upon the transgender student request to use the communal restrooms aligned with his or her sexual identity. For this reason, I acknowledge my use of the word change, given the overall context of the matter, is confusing. It is my good faith effort in making the comments I make to be transparent with the public on this pending sensitive issue, while the School District obtained legal advice to ensure its proper handling. Any confusion my word selection may have created is unintentional. My intent in wanting to communicate on the status of the matter with the public is one of good faith. While I am not an attorney, I try my best to communicate as clearly as I can in my official capacity as a board member.
15. Never during my tenure to date as a board member is board policy changed to address any issue related to transgender students' rights.
16. Transgender students' requests to use communal restrooms in alignment with their sexual identity is always and only enforced by administration under the written Board of Education policies. The current Policy Manual is accessible at: <https://go.boarddocs.com/oh/bethlsd/Board.nsf/Public?open&id=policies>. All Board of Education adopted policy related to transgender students' rights to use communal restrooms is contained in the Policy Manual.
17. All Board of Education policy is written and contained in the Board's Policy Manual.
18. The administration, not the Board of Education or any of its members, is always charged with enforcing the Board's policies contained in the Policy Manual. The administration, not the Board of Education or any of its members, always responds to all requests for accommodation made by transgender students under Board Policy.

19. At all times during my appointment as a Board of Education member, I know it is my responsibility to comply with the OMA and Board Policy, as well as state and federal law and constitutions. To perform my duties as an elected official in a reasonable and informed manner, I attend training on a regular basis. My training includes, but may not be limited to, attendance at Ohio Schools Council Member 101 training, Ohio Schools Council conference, Ohio Department of Education conference for educators and board members, courses in unconscious bias, ethics law, hiring practices, firefighting/EMS/leadership classes which touch upon public entity issues.

I declare under penalty of perjury that the foregoing is true and correct.



Jacob King, Board Member

9 January 2023___ Date